

PUBLISHED IN THE WICHITA EAGLE ON MARCH 30, 2012

ORDINANCE NO. 49-249

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS TO CENTRAL AVENUE FROM 119<sup>TH</sup> STREET WEST TO 135<sup>TH</sup> STREET WEST IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the development of infrastructure associated with the improvement of Central Avenue from 119<sup>th</sup> Street West to 135<sup>th</sup> Street West in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

A parcel of land lying in the Northwest Quarter of Section 24, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said parcels of land being more particularly described as follows:

The North 60 feet of the East 626.13 feet of the West 1043.55 feet of the north 208.71 feet of said Northwest Quarter of Section 24, except the East 245 feet thereof.

Said parcel contains 22,868 sq. ft.

Permanent easements for right of way, public utilities and related uses in and to the following-described tracts, to-wit:

A parcel of land lying in the Southwest Quarter of Section 13, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M. Sedgwick County, Kansas. Said parcel of land being more particularly described as follows:

Beginning at a point 25 feet east of the southwest corner of said Southwest Quarter; thence N01°03'27"W, 704.79 feet parallel with the west line of said Southwest Quarter; thence N88°56'33"E, 35.00 feet; thence S01°03'27"E, 279.55 feet parallel with the west line of said Southwest Quarter; thence S09°35'47"E, 101.02 feet; thence S01°03'27"E, 225.00 feet parallel with the east line of said Southwest Quarter; thence S46°14'54"E, 14.10 feet; thence N88°33'39"E, 1227.06 feet parallel with the south line of said Southwest Quarter to the east line of the West Half of said Southwest Quarter; thence S00°58'18"E, 90.00 feet along said east line to a point on the south line of said Southwest Quarter; thence S88°33'39"W, 1286.92 feet along the south line of said Southwest Quarter to the Point of Beginning.

Said parcel contains 141,668 sq. ft. excluding existing right of way and

A parcel of land lying in the Southwest Quarter of Section 13, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M. Sedgwick County, Kansas. Said parcel of land being more particularly described as follows:

Beginning at the southwest corner of the East Half of said Southwest Quarter; thence N00°58'18"W, 90.00 feet along the west line of said East Half; thence N88°33'39"E, 322.22 feet parallel with the south line of said Southwest Quarter; thence S01°26'21"E, 40.00 feet; thence N88°33'39"E, 989.45 feet parallel with the south line of said Southwest Quarter to the east line of said Southwest Quarter; thence S00°53'10"E, 20.00 feet along said east line; thence S88°33'39"W, 897.25 feet parallel with the south line of said Southwest Quarter; thence S01°26'21"E, 30.00 feet to the South line of said Southwest Quarter; thence S88°33'39"W, 414.96 feet along said South line to the Point of Beginning.

Said parcel contains 51,580 sq. ft. excluding existing right of way and

A parcel of land lying in the Southeast Quarter of Section 13, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M. Sedgwick County, Kansas. Said parcel of land being more particularly described as follows:

The north 20.00 feet of the south 50.00 feet of the west 323.84 feet of the east 1323.84 feet of said Southeast Quarter.

Said parcel contains 6,477 sq. ft. excluding existing right of way.

A parcel of land lying in the Southeast Quarter of Section 13, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said parcel of land being more particularly described as follows:

The north 20.00 feet of the south 50.00 feet of the west 200.00 feet of the east 1000.00 feet of said Southeast Quarter.

Said parcel contains 4,000 sq. ft. excluding existing right of way.

A parcel of land lying in the Northeast Quarter of Section 23, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M. Sedgwick County, Kansas. Said parcel of land being more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Block B, Highland Springs Commercial Addition, Wichita, Sedgwick County, Kansas; thence S01°02'32"E, 75.00 feet along the east line of said Lot 1; thence S88°57'32"W, 73.84 feet parallel with the north line of said Lot 1; thence N82°30'37"W, 101.12 feet; thence S88°57'32"W, 131.04 feet parallel with the north line of said Lot 1 to the southwesterly line of said Lot 1; thence N56°22'03"W, 105.47 feet along the southwesterly line of said Lot 1 to the Northwest corner of said Lot 1; N88°57'32"E, 391.62 feet along the north line of said Lot 1 to the Point of Beginning.

Said parcel contains 22,753 sq. ft. excluding existing right of way

A parcel of land lying in the Northeast Quarter of Section 23, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M. Sedgwick County, Kansas. Said parcel of land being more particularly described as follows:

Beginning at the Northwest corner of Lot 2, Block B, Highland Springs Commercial Addition, Wichita, Sedgwick County, Kansas; thence N88°57'32"E, 182.37 feet along the north line of said Lot 2; thence S07°47'30"W, 41.94 feet along the east line of said Lot 2; thence continuing along said east line S00°44'15"E, 58.55 feet; thence N45°53'22"W, 35.26 feet; thence S88°57'32"W, 150.75 feet parallel with the north line of said Lot 2 to the west line of said Lot 2; thence N01°02'32"W, 75.00 to the Point of Beginning.

Said parcel contains 13,638 sq. ft. excluding existing right of way

Permanent easements for drainage and related uses in and to the following-described tracts, to-wit:

A parcel of land lying in the Southwest Quarter of Section 13, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M. Sedgwick County, Kansas. Said parcel of land being more particularly described as follows:

Beginning at a point 75 feet east and 100 feet north of the southwest corner of said Southwest Quarter; thence N01°03'27"W, 225.00 feet parallel with the west line of said Southwest Quarter; thence N09°35'46"W, 83.38 feet; thence N89°25'00"E, 1249.90 feet; thence S00°58'18"E, 298.88 feet to a point 90 feet north of the said Southwest Quarter; thence S88°33'39"W, 1227.06 feet parallel with the south line of said Southwest Quarter; thence N46°14'54"W, 14.10 feet to the Point of Beginning.

Said parcel contains 381,686 sq. ft.

Temporary construction easements for driveway, drainage and road construction in and to the following-described tracts, to-wit:

A parcel of land lying in the East Half of the Southwest Quarter of Section 13, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said parcel of land being more particularly described as follows:

Commencing at the southwest corner of said East Half; thence N00°58'18"W, 90.00 feet along the west line of said East Half to the Point of Beginning; thence continuing N00°58'18"W, 20.00 feet along said west line; thence N88°33'39"E, 106.56 feet parallel with the south line of said East Half; thence S01°26'21"E, 20.00 feet; thence S88°33'39"W, 106.72 feet parallel with said south line to the Point of Beginning.

Said parcel contains 2,133 sq. ft. and

A parcel of land lying in the East Half of the Southwest Quarter of Section 13, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said parcel of land being more particularly described as follows:

Commencing at the southwest corner of said East Half; thence N88°33'39"E, 507.14 feet along the south line of said East Half; thence N01°26'21"W, 50.00 feet to the Point of Beginning; thence continuing N01°26'21"W, 15.00 feet; thence N88°33'39"E, 188.00 feet parallel with the said south line; thence S01°26'21"E, 15.00 feet; thence S88°33'39"W, 188.00 feet parallel with said south line to the Point of Beginning.

Said parcel contains 2,820 sq. ft. and

A parcel of land lying in the Southeast Quarter of Section 13, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said parcel of land being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of Section 13; thence S87°50'28"W, 1000.00 feet along the south line of said Southeast Quarter; thence N00°13'27"W, 50.03 feet; thence S87°50'28"W, 39.37 feet parallel with said south line to the Point of Beginning; thence continuing S87°50'28"W, 35.00 feet parallel with said south line of said Quarter; thence N02°09'32"W, 15.00 feet; thence N87°50'28"E, 35.00 feet parallel with said south line; thence S02°09'32"E, 15.00 feet to the Point of Beginning.

Said parcel contains 525 sq. ft. and

A parcel of land lying in the Southeast Quarter of Section 13, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M. Sedgwick County, Kansas. Said parcel of land being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence S87°50'28"W, 800.00 feet along the south line of said Quarter; thence N00°22'47"W, 50.02 feet; thence S87°50'28"W, 139.00 feet parallel with said south line to the Point of Beginning; thence continuing S87°50'28"W, 35.00 feet parallel with said south line; thence N02°09'32"W, 15.00 feet; thence N87°50'28"E, 35.00 feet parallel with said south line; thence S02°09'32"E, 15.00 feet to the Point of Beginning.

Said parcel contains 525 sq. ft. and

A parcel of land lying in the East 626.13 feet of the West 1043.55 feet of the North 208.71 feet of Northwest Quarter of Section 24, Township 27 South, Range 2 West of

the Sixth Principal Meridian, Sedgwick County, Kansas, except the East 245 feet thereof, said parcel of land being more particularly described as follows:

Commencing at the northwest corner of said parcel; thence S00°44'15"E, 60.00 feet along the west line of said parcel to the Point of Beginning; thence N88°33'39"E, 262.66 feet parallel with the north line of said Quarter; thence S01°26'21"E, 20.00 feet; thence S88°33'39"W, 140.00 feet parallel with the north line of said Quarter; thence S82°44'20"W, 49.29 feet; thence S88°33'39"W, 73.93 feet parallel with the north line of said Quarter to the west line of said parcel; thence N00°44'15"W, 25.00 feet to the Point of Beginning.

Said parcel contains 5,748 sq. ft.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 27th day of, March 2012.

**CITY OF WICHITA**

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Carl Brewer, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Gary E. Rebenstorf, Director of Law